

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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EDWARD JOHNSON,

Petitioner,

v.

Case No. 12-11038

LLOYD RAPELJE,

Respondent.

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**ORDER DENYING LETTER REQUEST TO REOPEN CASE**

On March 8, 2012, Michigan prisoner Edward Johnson (“Petitioner”) filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state-court criminal sentences. Petitioner listed three sentencing claims in his petition, but did not provide the court with any details of those claims; instead, he referenced several appendices to his petition, including his state appellate brief, without filing those materials. Additionally, Petitioner did not pay the required filing fee when he filed his petition, nor did he submit an application to proceed *in forma pauperis*. As a result, on March 14, 2012, the court issued two deficiency orders: one required Petitioner to supplement his pleadings with the appendices referenced in the petition and/or to provide a more detailed statement of the factual and legal bases for his claims; the other required Petitioner to either pay the filing fee or submit a properly completed *in forma pauperis* application. Petitioner failed to correct either deficiency or respond to the court’s orders within the allotted time for doing so.<sup>1</sup> Consequently, the court

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<sup>1</sup>Petitioner did submit a copy of a state appellate brief, which was postmarked April 17, 2012, and received by the court on April 18, 2012. This filing, however, was

dismissed without prejudice the petition for a writ of habeas corpus, closed the case, and did not retain jurisdiction over the matter.

This matter is before the court on Petitioner's undated letter request, postmarked May 8, 2012, seeking to reopen the case. Petitioner asserts that he gave the filing fee to prison officials for mailing on April 13, 2012. The documents attached to his letter list a filing fee disbursement for April 16, 2012. The court, however, has not received the filing fee for this case. Moreover, even assuming that Petitioner attempted to correct the filing fee deficiency, he did not do so until after the time designated in the deficiency order had expired. The dismissal of his habeas petition was therefore appropriate. Accordingly,

IT IS ORDERED that Petitioner's letter request seeking to reopen this closed case [Doc. # 7] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 31, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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untimely, as the court set a deadline of April 16, 2012, for supplementing the original petition.